

REMARKS

Claim 1-7, 9-11, 13, 14, 16, 18-21 and 23-27 were examined.

Claims 1-7, 9-11, 13, 14, 16, 18-21 and 23-27 were rejected.

Claim 1 has been amended.

Claims 1-7, 9-11, 13, 14, 16, 18-21 and 23-27 are pending after the entry of the amendments made herein.

Claim 1 has been amended to include a definition of the term "inter-digitating". Support for this amendment can be found in the specification, for example at page 10, lines 11-24 and Figure 1. This amendment has been made solely to expedite prosecution of the application.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-7, 9-11, 13, 14, 16, 18-21 and 23-27, the only claims pending in this application.

As no new matter has been added by the above amendments, the Applicants respectfully request the entry thereof.

REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected Claims 1-2, 4-7, 9, 11, 13, 16, 18-21, 23 and 27 under 35 U.S.C. §102(b) as being anticipated by Incorvia et al. The Applicants respectfully submit that the above cited reference does not anticipate Claims 1-2, 4-7, 9, 11, 13, 16, 18-21, 23 and 27 as amended.

As stated in Applicants' previous response filed November 14, 2002, the Applicants respectfully submit that the cited reference fails to teach or even suggest a method of fabricating test strips wherein a stripe of reagent material is disposed along a central axis of a precursor, nor does the cited reference teach or even suggest an inter-digitating pattern. However, the subject claims have been amended to define the term "inter-digitating".

Independent Claim 1 and the claims that depend therefrom have been amended to include a definition of the term "inter-digitating". Claims 13 claims a test strip made by the method of Claim 1 and Claims 16, 18-21, 23 and 27 incorporate the test strip of Claim 13 and as such Claims 13, 16, 18-21, 23 and 27 incorporate the limitation of Claim 1. Specifically, Claim 1 has been amended to recite that an inter-digitating pattern is one that includes a series of inter-laced projections positioned on the test strip

precursor. The Applicants respectfully submit that Incorvia et al. do not teach an inter-digitating pattern, let alone an inter-digitating pattern that includes a series of inter-laced projections positioned on the test strip precursor.

For at least the reasons described above, Incorvia et al. do not teach all of the claimed limitations of Claims 1-2, 4-7, 9, 11, 13, 16, 18-21, 23 and 27. As such, the Applicants respectfully request that this rejection be withdrawn.

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 13, 10, 14, 18-21 and 24-27 under 35 U.S.C. §103(a) as being unpatentable over Incorvia et al. The Applicants respectfully submit that the above cited reference does not anticipate Claims 13, 10, 14, 18-21 and 24-27 as amended.

As described above, Incorvia et al. fail to teach or even suggest all the claimed limitation of Claims 13, 10, 14, 18-21 and 24-27. For example, while Incorvia et al. teach a manufacturing process for producing a test strip, Incorvia et al. fail to teach or even suggest a manufacturing process that employs an inter-digitating pattern present on a test strip precursor, let alone an inter-digitating pattern that includes a series of inter-laced projections positioned on the test strip precursor.

For at least the reasons described above, i.e., Incorvia et al. fail to teach or suggest an inter-digitating pattern as claimed in the subject claims, Claims 13, 10, 14, 18-21 and 24-27 are patentable over Incorvia et al. As such, the Applicants respectfully request that this rejection be withdrawn.

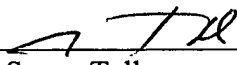
CONCLUSION

In view of the remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, reference no. LIFE-016.

Respectfully submitted,
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Date: 3/5/03

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